

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2033.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	April 30, 2003
DATE OF REPORT:	May 27, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 17, 2003

COMPLAINT ISSUES:

Whether the Gary Community Schools violated:

511 IAC 7-27-3(a) by failing to ensure the required case conference committee (CCC) participants are in attendance at CCC meetings.

511 IAC 7-27-6 by failing to include in the student's individualized education program (IEP) the required components.

FINDINGS OF FACT:

1. The Student is fourteen years old and attends the local high school ("the School"). The Student has been determined eligible for special education as a student with autism spectrum disorder.
2. The April 9, 2003, CCC meeting at the School included the required participants (parent, school representative, TOR, and general education teacher), as well as a speech pathologist, a school nurse, a psychologist, two social workers, two foster care workers, a court-appointed child advocate, and the Student. No special circumstances existed that would require other people to attend. After two and a half hours of discussion, the CCC members were finished with their business, except for the goal-writing process. The parent could not stay, but agreed to have others write the goals, based on needs the CCC had identified. 511 IAC 7-27-3(h) makes it possible for the CCC to meet without the parent when the parent has given consent for this to happen. The goals were mostly written by the TOR. The parent subsequently gave consent to the current IEP as written.
3. Three components of the current IEP, developed at the April 9, 2003, CCC meeting, stand out as needing to be addressed or needing much more specificity. (1) The IEP does not provide projected dates for initiation of services and program modifications, nor does it provide the anticipated length, frequency, location, and duration of services and modifications. (2) The IEP does not indicate the extent to which the Student will participate with nondisabled students in general education classes or settings and in extracurricular activities. (3) The IEP does not clearly state how the Student's parents will be regularly informed of the Student's progress toward the annual goals, and the extent to which the goals will be met within the 12-month period.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the required CCC participants were present on April 9, 2003. Therefore, there has been no violation of 511 IAC 7-27-3(a).
2. Finding of Fact #3 indicates that the Student's IEP does not contain all the required components. The missing components are:
 - a. 7-27-6(a)(5), which calls for the projected dates for initiation of services and program modifications, as well as the anticipated length, frequency, location, and duration of services and modifications;
 - b. 7-27-6(a)(6), which calls for an explanation of the extent to which the Student will participate with nondisabled students in general education classes or settings and in extracurricular activities; and
 - c. 7-27-6(a)(7)(B), which calls for a clear statement of how the Student's parents will be regularly informed of the Student's progress toward the annual goals, and the extent to which the goals will be met within the 12-month period.

Therefore, 511 IAC 7-27-6 has been violated.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community Schools shall:

1. reconvene the CCC to discuss the missing components of the IEP and include them in a new version of the IEP.
A copy of the CCC notes and the new IEP with the required changes shall be received by the Division by September 12, 2003.
2. send a written memorandum to special education staff, other personnel serving on CCC's, and administrators detailing Article 7 requirements for an IEP as found in 511 IAC 7-27-6.
A copy of the written memorandum and a list of recipients shall be received by the Division by September 12, 2003.